



General Assembly

***Amendment***

***February Session, 2012***

**LCO No. 4639**

**\*HB0503804639HR0\***

Offered by:

REP. ROWE, 123<sup>rd</sup> Dist.

REP. CANDELORA, 86<sup>th</sup> Dist.

To: Subst. House Bill No. **5038**

File No. 437

Cal. No. 335

(As Amended by House Amendment Schedule "A")

***"AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET  
RECOMMENDATIONS CONCERNING AN ALL-PAYER CLAIMS  
DATABASE PROGRAM."***

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- 1 In subsection (c) of section 1, after the period insert the following:
- 2 "Such information shall not include information relating to a
- 3 patient's abortion."
- 4 After the last section, add the following and renumber sections and
- 5 internal references accordingly:
- 6 "Sec. 501. (NEW) (*Effective October 1, 2012*) A physician who
- 7 intentionally and wilfully fails to comply with the requirements of
- 8 section 19a-601 of the general statutes, as amended by this act, shall be
- 9 guilty of a class D felony and be sentenced in accordance with section
- 10 53a-35a of the general statutes, as amended by this act.

11 Sec. 502. Section 19a-600 of the general statutes is repealed and the  
12 following is substituted in lieu thereof (*Effective October 1, 2012*):

13 For the purposes of sections 19a-601 and 19a-602, as amended by  
14 this act:

15 (1) "Counselor" means: (A) A psychiatrist, (B) a psychologist  
16 licensed under chapter 383, (C) a clinical social worker licensed under  
17 chapter 383b, (D) a marital and family therapist licensed under chapter  
18 383a, (E) an ordained member of the clergy, (F) a physician assistant  
19 licensed under section 20-12b, (G) a nurse-midwife licensed under  
20 chapter 377, (H) a certified guidance counselor, (I) a registered  
21 professional nurse licensed under chapter 378, or (J) a practical nurse  
22 licensed under chapter 378.

23 (2) "Minor" means a person who is less than [sixteen] eighteen years  
24 of age.

25 Sec. 503. Section 19a-601 of the general statutes is repealed and the  
26 following is substituted in lieu thereof (*Effective October 1, 2012*):

27 (a) Prior to the performance of an abortion upon a minor, a  
28 physician or counselor shall provide pregnancy information and  
29 counseling in accordance with this section in a manner and language  
30 that will be understood by the minor. The physician or counselor shall:

31 (1) Explain that the information being given to the minor is being  
32 given objectively and is not intended to coerce, persuade or induce the  
33 minor to choose to have an abortion or to carry the pregnancy to term;

34 (2) Explain that the minor may withdraw a decision to have an  
35 abortion at any time before the abortion is performed or may  
36 reconsider a decision not to have an abortion at any time within the  
37 time period during which an abortion may legally be performed;

38 (3) Explain to the minor the alternative choices available for  
39 managing the pregnancy, including: (A) Carrying the pregnancy to  
40 term and keeping the child, (B) carrying the pregnancy to term and

41 placing the child for adoption, placing the child with a relative or  
42 obtaining voluntary foster care for the child, and (C) having an  
43 abortion, and explain that public and private agencies are available to  
44 assist the minor with whichever alternative she chooses and that a list  
45 of these agencies and the services available from each will be provided  
46 if the minor requests;

47 (4) Explain that public and private agencies are available to provide  
48 birth control information and that a list of these agencies and the  
49 services available from each will be provided if the minor requests;

50 [(5) Discuss the possibility of involving the minor's parents,  
51 guardian or other adult family members in the minor's decision-  
52 making concerning the pregnancy and whether the minor believes that  
53 involvement would be in the minor's best interests; and]

54 (5) Explain and carry out the following notification procedures to  
55 parents, guardians or others:

56 (A) Except as provided in subparagraph (B) of this subdivision,  
57 notice shall be provided to at least one parent or legal guardian of a  
58 pregnant unemancipated minor not less than forty-eight hours prior to  
59 the performance of an abortion on such minor. Such notice may be  
60 provided by the person providing information and counseling;

61 (B) If a pregnant unemancipated minor declares in a signed written  
62 statement that she is a victim of sexual abuse, neglect or physical abuse  
63 by either of her parents or her legal guardian, the person providing  
64 information and counseling shall provide the notice required pursuant  
65 to subparagraph (A) of this subdivision to such minor's brother or  
66 sister who is aged twenty-one years or older or a stepparent or  
67 grandparent specified by such minor or, if no such person exists, to  
68 some other person who is aged twenty-one years or older specified by  
69 such minor; and

70 (6) Provide adequate opportunity for the minor to ask any questions  
71 concerning the pregnancy, abortion, child care and adoption, and

72 provide information the minor seeks or, if the person cannot provide  
73 the information, indicate where the minor can receive the information.

74 (b) After the person provides the information and counseling to a  
75 minor as required by this section, such person shall have the minor  
76 sign and date a form stating that:

77 (1) The minor has received information on alternatives to abortion  
78 and that there are agencies that will provide assistance and that a list  
79 of these agencies and the services available from each will be provided  
80 if the minor requests;

81 (2) The minor has received an explanation that the minor may  
82 withdraw an abortion decision or reconsider a decision to carry a  
83 pregnancy to term;

84 (3) The alternatives available for managing the pregnancy have been  
85 explained to the minor;

86 (4) The minor has received an explanation about agencies available  
87 to provide birth control information and that a list of these agencies  
88 and the services available from each will be provided if the minor  
89 requests;

90 (5) The minor has [discussed with the person providing the  
91 information and counseling the possibility of involving the minor's  
92 parents, guardian or other adult family members in the minor's  
93 decision-making about the pregnancy] received an explanation of the  
94 parental notification requirements pursuant to subdivision (5) of  
95 subsection (a) of this section;

96 (6) If applicable, the minor has determined that not involving the  
97 minor's parents, guardian or other adult family members is in the  
98 minor's best interests; and

99 (7) The minor has been given an adequate opportunity to ask  
100 questions.

101 (c) The person providing the information and counseling shall also  
102 sign and date the form and shall include such person's business  
103 address and business telephone number. The person shall keep a copy  
104 for such minor's medical record and shall give the form to the minor  
105 or, if the minor requests and if such person is not the attending  
106 physician, transmit the form to the minor's attending physician. Such  
107 medical record shall be maintained as otherwise provided by law.

108 (d) The provision of pregnancy information and counseling by a  
109 physician or counselor which is evidenced in writing containing the  
110 information and statements provided in this section and which is  
111 signed by the minor shall be presumed to be evidence of compliance  
112 with the requirements of this section.

113 (e) (1) No physician shall perform an abortion until the written  
114 notice required pursuant to subparagraph (A) of subdivision (5) of  
115 subsection (a) of this section, certifying that the person providing the  
116 information and counseling has provided notice to at least one parent  
117 or legal guardian of such minor is received. If the physician  
118 performing the abortion receives a signed statement pursuant to  
119 subparagraph (B) of subdivision (5) of subsection (a) of this section,  
120 such physician shall certify in the minor's medical record that such  
121 physician has received such statement. Any physician relying in good  
122 faith on such statement shall not be civilly or criminally liable for  
123 failure to give the notice required pursuant to subparagraph (A) of  
124 subdivision (5) of subsection (a) of this section.

125 (2) The minor may petition a court for a waiver of the notice  
126 requirements pursuant to subdivision (5) of subsection (a) of this  
127 section, and may participate in proceedings on her own behalf. The  
128 petition shall include a statement that the minor is pregnant and is  
129 unemancipated. The petition shall also include a statement such notice  
130 requirements have not been waived by the parent or legal guardian,  
131 and that the minor wishes to obtain an abortion without giving such  
132 required notifications. The court shall appoint a guardian for her.

133       (A) If the court finds, by clear and convincing evidence, that the  
 134       minor is both sufficiently mature and well-informed to decide whether  
 135       to have an abortion, the court shall issue an order authorizing the  
 136       minor to consent to the performance of an abortion without such  
 137       required notifications. If the court does not make the finding specified  
 138       in this subparagraph or in subparagraph (B) of this subdivision, it shall  
 139       dismiss the petition.

140       (B) If the court finds, by clear and convincing evidence, that there is  
 141       a pattern of physical, sexual or emotional abuse of the minor by one or  
 142       both of her parents or her guardian, or that the notification of a parent  
 143       or guardian is not in the best interest of the minor, the court shall issue  
 144       an order authorizing the minor to consent to the performance of an  
 145       abortion without such required notifications. If the court does not  
 146       make the finding specified in this subparagraph or in subparagraph  
 147       (A) of this subdivision, it shall dismiss the petition.

148       [(e)] (f) The requirements of this section shall not apply when, in the  
 149       best medical judgment of the physician based on the facts of the case  
 150       before him, a medical emergency exists that so complicates the  
 151       pregnancy or the health, safety or well-being of the minor as to require  
 152       an immediate abortion. A physician who does not comply with the  
 153       requirements of this section by reason of this exception shall state in  
 154       the medical record of the abortion the medical indications on which his  
 155       judgment was based."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2012	New section
Sec. 502	October 1, 2012	19a-600
Sec. 503	October 1, 2012	19a-601